

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK _____ X

JANICE FOSS,

Plaintiff,

-against-

COCA-COLA ENTERPRISES INC; Defendant GENE TALLMAN, in his individual and official capacity, BRIAN WYNNE, in his individual and official capacity, SEENA CUSHMAN, in her individual and official capacity, MICHAEL VAN AKEN, in his individual and official capacity and SUSAN GARRETT in her individual and official capacity,

Defendants.

NOTICE OF MOTION

07 CV 1322 (JS)(WDW)

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PLEASE TAKE NOTICE, that upon the annexed affidavit of Philip M. Halpern, sworn to on June 25, 2007, the exhibit attached thereto, the affidavit of Michael R. Van Aken, sworn to on June 25, 2007, the exhibits attached thereto, and the memorandum of law dated June 24, 2007, Defendants Coca-Cola Enterprises Inc. (“CCE”), Gene Tallman, Brian Wynne, Michael Van Aken, and Susan Garrett (collectively, the “Defendants”),¹ will move this Court on July 10, 2007 at 9:30 a.m. or as soon thereafter as counsel may be heard, before Judge Joanna Seybert, U.S. Courthouse, 100 Federal Plaza, P.O. Box 944, Central Islip, New York 11722-9014, for an order pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure granting Defendants’ motion to dismiss the complaint against various defendants and CCE on the grounds that it fails to state a claim upon which relief can be granted and that Defendants and CCE are entitled to judgment as a matter of law, together with such other, further and different relief as the Court may deem just and proper in the circumstance and the costs and disbursements of this motion.

¹ Defendant Seena Cushman has yet to be served with the Complaint or Amended Complaint.

Dated: White Plains, New York
June 25, 2007

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